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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 ROBERT T. MATSUI FEDERAL COURTHOUSE

11 CALIFORNIA SPORTFISHING
12 PROTECTION ALLIANCE,

13 Plaintiff,

14 v.

15 KATHLEEN ALLISON, in her
16 official capacity as Secretary
of the California Department of
17 Corrections and Rehabilitation,

18 Defendants.

19 COUNTY OF AMADOR, a public
20 agency of the State of
California,

21 Plaintiff,

22 v.

23 KATHLEEN ALLISON in her
official capacity as Secretary
24 of the California Department of
Corrections and Rehabilitation;
25 PATRICK COVELLO in his official
capacity of Warden of
26 California Department of
Corrections and Rehabilitation
27 Mule Creek State Prison,

28 Defendants.

Case No. 2:20-cv-02482-WBS-AC

Honorable William B. Shubb

DECLARATION OF KAREN ASHBY IN
SUPPORT OF PLAINTIFFS' MOTION
FOR SUMMARY ADJUDICATION

No. 2:21-cv-0038-WBS-AC

Date: Aug. 22, 2022

Time: 1:30 p.m.

Court: 5

Action Filed: Jan. 7, 2021

Trial Date: April 18, 2023

[Filed with:

1. Not. & P. & A.;
2. State. of Undisp. Facts;
3. Decls. of Opalenik,
Andrews, Carlon, Emerick,
Taylor, Evatt, and
McHenry;
4. Appendix of Exs.;
5. [Proposed] Order]

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ALLIANCE

DECLARATION OF KAREN ASHBY

I, Karen Ashby, declare as follows:

1. I have personal knowledge of the matters set forth herein, except as otherwise noted, and, if called to testify, could and would testify competently thereto.

2. I am a Vice President at Larry Walker Associates, Inc. (LWA), an environmental engineering and consulting firm that specializes in, among other matters, water quality management. In my capacity as a Vice President, I serve as a Project Manager for stormwater and watershed management projects.

3. I have a Bachelor of Science from the University of California at Irvine and have been certified as a Professional in Storm Water Quality from Envirocert International, Inc. since 2004. I have been an active member of the California Stormwater Quality Association ("CASQA") since 1999 and have served as a member of the Board of Directors, Vice Chair, and Chair of CASQA. In 2018, I received the CASQA Leadership Award as a recognition of my contributions to the stormwater profession.

4. I have over 30 years of experience in stormwater quality matters, including but not limited to, providing regulatory assistance; facilitating stakeholder groups; developing and implementing stormwater management programs and Total Maximum Daily Loads; evaluating and reporting on stormwater program effectiveness; and preparing various regulatory and technical reports on stormwater management issues. Prior to joining LWA, I managed the area-wide municipal stormwater program for the County of Orange for over ten years.

DOCUMENTS REVIEWED

5. I reviewed a number of documents related to Mule Creek State Prison (the "Facility"). I reviewed copies of documents from Best Best & Krieger LLP ("BB&K"), the website of the California Central Valley Regional Water Quality Control Board ("Regional Board"), the website of the California State Water Resources Control Board ("State Board"), and/or the Storm Water Multiple Application and Report Tracking System ("SMARTS"). SMARTS is a publicly available database of documents the Regional Board or dischargers / permittees upload. I have used the Regional Board, State Board, and SMARTS websites thousands of times in my more than thirty years' experience with storm water quality matters. The documents listed below from those websites are documents typically uploaded by the Regional Board, State Board, or dischargers / permittees.

6. Specifically, the documents I reviewed included the following:

A. Pertinent sections of the document entitled "Revised Stormwater Collection System Investigation Report of Findings" for the Facility, dated August 2018 and revised October 2019, with bates label MCSP0003981 - MCSP0003984 ("Stormwater Report"). Figure 1-5, below, is an aerial depiction of the Facility from the Stormwater Report, with bates label MCSP0004089. I received this from BB&K. A true copy of excerpts of the Stormwater Report with Bates Nos. MCSP0003957-MCSP0003958, MCSP0003981-MCSP0003984, and MCSP0004089 are attached to the Appendix of Documents filed in Support of Plaintiffs' Motion for

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1 Summary Adjudication, filed concurrently ("Plaintiffs'
2 Appendix"), as ex. 5.

3 B. Regional Board Water Code 13383 Order to Monitor
4 Discharges to Surface Water issued to Patrick Covello, Warden,
5 Mule Creek State Prison ("Defendants") dated August 6, 2020
6 ("August 2020 Order"). I reviewed this on SMARTS. A true copy of
7 the August 2020 Order is attached to Plaintiffs' Appendix as ex.
8 6.

9 C. The Regional Board's Order of the same name on
10 about December 22, 2020, which superseded the August 2020 Order
11 ("December 2020 Order"). I reviewed this on SMARTS. A true copy
12 of the December 2020 Order is attached to Plaintiffs' Appendix as
13 ex. 7.

14 D. The Regional Board's Order of the same name dated
15 November 29, 2021, which revised the December 2020 Order
16 ("November 2021 Order"). I reviewed this on SMARTS. A true copy
17 of the November 2020 Order is attached to Plaintiffs' Appendix as
18 ex. 8.

19 E. Water Quality Control Plan for the Central Valley
20 Regional Water Quality Control Board for the Sacramento River
21 Basin and San Joaquin River Basin, last revised May 2018 ("Basin
22 Plan"). I reviewed this on the Regional Board website. A true
23 copy of the Basin Plan is attached to Plaintiffs' Appendix as ex.
24 9.

25 F. The State Water Resources Control Board's Part 3
26 of the Water Quality Control Plan for Inland Surface Waters,
27 Enclosed Bays, and Estuaries of California - Bacteria Provisions
28 and Water Quality Standards Variance Policy, dated February 4,

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1 2019 ("Bacteria Standards"). I reviewed this on the State Board's
2 website. A true copy of the Bacteria Standards is attached to
3 Plaintiffs' Appendix as ex. 10.

4 G. Hazardous Materials Spill Reports for the time
5 period between January 4, 2021 and March 29, 2022, provided by
6 Facility representatives to the Governor's Office of Emergency
7 Services ("OES Reports"). Data for the OES Reports was contained
8 in the Quarterly Monitoring Reports filed by the Facility for the
9 First through Fourth Quarters of 2021 and the First Quarter of
10 2022. I reviewed the Quarterly Monitoring Reports on SMARTS. The
11 Quarterly Monitoring Reports are discussed in further detail in
12 paragraph 6.I below.

13 H. SHN Technical Memoranda to the Regional Board
14 containing weekly monitoring reports of laboratory analytical
15 reports of samples Defendants took of discharges from MCSP2,
16 MCSP3, MCSP4/Downstream, MCSP5, and MCSP6, between February 4,
17 2019 and May 29, 2020 ("Weekly Monitoring Reports"). I received
18 these from BB&K. A true copy of screenshots listing these Weekly
19 Monitoring Reports is attached to Plaintiffs' Appendix as ex. 11.

20 I. The quarterly monitoring and annual monitoring
21 reports Defendants submitted for the Facility in response to the
22 August 13383 Order and December 13383 Order for the time period
23 covering August 2020 through December 31, 2021 ("Quarterly and
24 Annual Monitoring Reports"). The Quarterly and Annual Monitoring
25 Reports included laboratory analytical reports of samples
26 Defendants took from Mule Creek [MCSP4], and MS4 outfalls MCSP2
27 and MCSP3, as well as MCSP5 and MCSP6 ("13383 Lab Reports"). I
28 reviewed these on SMARTS. A true copy of a list of the Quarterly

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1 and Annual Monitoring Reports is attached to Plaintiffs' Appendix
2 as ex. 12.

3 J. The notice of intent to enroll the Facility under
4 the Statewide National Pollutant Discharge Elimination System
5 (NPDES) General Permit for Waste Discharge Requirements for Storm
6 Water Discharges From Small Separate Storm Sewer Systems (MS4s),
7 State Board Order 2013-0001-DWQ NPDES No. CAS000004 ("Small MS4
8 Permit") and related documents with Bates Nos. CALSPORT0013003 -
9 0013007. I reviewed this on SMARTS. A true copy of the Small MS4
10 Permit is attached to Plaintiffs' Appendix as ex. 13.

11 K. The No Exposure Certification ("NEC") to enroll
12 the Facility under the NPDES General Permit Storm Water
13 Discharges Associated with Industrial Activities, NPDES NO.
14 CAS000001 ("Industrial General Permit") and related documents. I
15 reviewed this on SMARTS. True copies of the NEC and Industrial
16 General Permit are attached to Plaintiffs' Appendix as exs. 14
17 and 15, respectively.

18 L. The 2021 No Exposure Certification Inspection
19 Report, prepared by a representative of the Regional Board, dated
20 February 11, 2021 ("NEC Inspection Report"). I reviewed this on
21 SMARTS. A true copy of the NEC Inspection Report is attached to
22 Plaintiffs' Appendix as ex. 16.

23 M. The Regional Board letter to the Facility, dated
24 February 11, 2022, commenting on the Phase II MS4 Annual Reports
25 and 13383 Order Quarterly Monitoring Reports ("2022 Comment
26 Letter"). I reviewed this on SMARTS. A true copy of the 2022
27 Comment Letter is attached to Plaintiffs' Appendix as ex. 17.

28 N. Laboratory analytical reports of samples

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1 Plaintiffs took on March 9, 2022 at the site inspection which I
2 attended ("Plaintiffs' Lab Samples"). I received these from BB&K.
3 True copies of Plaintiffs' Lab Samples are attached to
4 Plaintiffs' Appendix as ex. 18.

5 O. The County of Amador's First Amended Complaint and
6 California Sportfishing Protection Alliance's Complaint in this
7 action. I received these from BB&K.

8 7. According to the Stormwater Report, as well as the
9 August 2020 Order, December 2020 Order, and November 2021 Order:

10 A. The point labeled "MCSP3" depicts the Facility's
11 primary outfall location, which drains approximately 64.2 acres
12 of the Facility through a culvert under an exterior perimeter
13 road to an earthen channel that flows into Mule Creek. It is
14 estimated that three quarters of the drainage area flows to the
15 primary outfall. See Stormwater Report Section 1.4.1,
16 MSCP0003982. Discharges from MCSP3 first pass through a Facility
17 outfall labeled "MCSP6."

18 B. The point labeled "MCSP2" depicts the Facility's
19 secondary outfall location, which drains approximately 21.3 acres
20 of the Facility through an earthen channel that flows into Mule
21 Creek. It is estimated that one quarter of the drainage area
22 flows to the secondary outfall. See Stormwater Report Section
23 1.4.2, MCSP0003984. Discharges from MCSP2 first pass through a
24 Facility outfall labeled "MCSP5."

25 C. The point labeled as "MCSP4/Downstream" depicts a
26 location within Mule Creek at a southern edge and downstream of
27 the Facility. In various documents reviewed, "MCSP4/Downstream"
28 was also labeled "Location 3."

1 Figure 1-5 is a site plan showing these locations and is attached
2 to this Declaration.

3 8. Based on this document review:

4 A. Mule Creek is a stream that is tributary to Dry
5 Creek with in-stream sampling occurring at a point labeled
6 "MCSP4/Downstream" (in addition to others).

7 B. Section 2.1 of the Basin Plan provides that the
8 "beneficial uses of any specifically identified water body
9 generally apply to its tributary streams."

10 C. Table 2-1, of the Basin Plan designates the
11 following beneficial uses for the waters of the Sacramento-San
12 Joaquin Delta and its tributaries, including Mule Creek:
13 municipal and domestic supply (MUN); agricultural supply (AGR);
14 water contact recreation (REC-1); non-contact water recreation
15 (REC-2); warm freshwater habitat (WARM); cold freshwater habitat
16 (COLD); migration for aquatic organisms (MIGR); spawning,
17 reproduction, and/or early development (SPWN); and wildlife
18 habitat (WILD). Section 4.1.8 of the Basin Plan provides, in
19 part, that "[a]ll water quality objectives are developed to
20 protect the MUN beneficial use unless otherwise stated." Section
21 4.2.1.1.8 of the Basin Plan provides, in part, that "except under
22 specifically defined exceptions, all surface and ground waters of
23 the state are to be protected as existing or potential sources of
24 municipal and domestic supply."

25
26 **PAST VIOLATIONS OF SMALL MS4 PERMIT - *E. COLI***

27
28 9. **Water Quality Objectives - *E. coli*.** Effective February

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4, 2019, the Bacteria Objectives applicable to all inland surface waterbodies (including Mule Creek) are measured by the *E. coli* geometric mean (GM" or geomean") and the statistical threshold value ("STV"). Geomean results are based on a six-week rolling average of at least five samples within that six-week period, calculated weekly. If the geomean in any six week period is greater than the geomean magnitude (100 cfu/100 mL for *E. coli*), then the sample violates the geomean WQS. STV results are based on a single sample, with no more than 10% of the samples exceeding in a calendar month. Any sample greater than the STV threshold violates the STV WQO unless that sample constitutes 10% or less of all STV samples during the calendar month. The Bacteria Objectives for the GM and STV are set forth in the following Table 1, which I have circled for clarity:

Table 1. REC-1 Bacteria Water Quality Objectives

Applicable Waters	Objective Elements	Estimated Illness Rate (NGI): 32 per 1,000 water contact recreators	
		Magnitude	
	Indicator	GM (cfu/100 mL)	STV (cfu/100 mL)
All waters where the salinity is equal to or less than 1 ppt 95 percent or more of the time	<i>E. coli</i>	100	320
All waters where the salinity is greater than 1 ppt more than 5 percent of the time	Enterococci	30	110
The waterbody GM shall not be greater than the applicable GM magnitude in any six-week interval, calculated weekly. The applicable STV shall not be exceeded by more than 10 percent of the samples collected in a CALENDAR MONTH, calculated in a static manner.			
NGI = National Epidemiological and Environmental Assessment of Recreational Water gastrointestinal illness rate		GM = geometric mean STV = statistical threshold value cfu = colony forming units	mL = milliliters ppt = parts per thousand

To avoid double-counting STV and geomean exceedance for the same day, the total number of exceedances were counted as the number of STV exceedances plus the number of additional exceedances of

1 the geomean that had not already triggered an exceedance of the
2 STV.

3 10. **Forty (40) Past Violations of Small MS4 Permit's *E.***
4 ***coli* Discharge Prohibition - STV.** As shown in attached Table 2,
5 Defendants' laboratory analytical results reported discharges
6 from the Facility to Mule Creek in excess of the STV WQO for *E.*
7 *coli* in 18 samples from MCSP2 and 22 samples from MCSP3 between
8 February 4, 2019 and January 6, 2021. These results show that 95%
9 of samples taken from MCSP2 (18/19 samples) and 85% of samples
10 taken from MCSP3 (22/26 samples) exceeded the STV WQO for *E. coli*
11 during this period.

12 11. **One (1) Past Violation of Small MS4 Permit's *E. coli***
13 **Discharge Prohibition - Geometric Mean.** As shown in attached
14 Table 3, Defendants' laboratory analytical results demonstrate
15 discharges from the Facility to Mule Creek exceed the geomean WQO
16 for *E. coli* on 11 occasions from discharge points MCSP2 and MCSP3
17 between the dates of February 4, 2019 and January 6, 2021 (when
18 enough samples were collected within the 6-week period). However,
19 all but one of the sample dates already exceed the STV, and
20 therefore, were not counted as exceedances under this analysis.
21 On that one sample date (3/26/2020), the two results reported at
22 MCSP3 did not exceed the STV, but the calculated geomean exceeded
23 100 MPN/100mL. This result was counted as one additional *E. coli*
24 discharge violation at MCSP3 due to the geomean.

25 12. **Nineteen (19) Past Violations of MS4 Permit's Receiving**
26 **Water Limitations - *E-Coli*.** As shown in attached Table 4, 47
27 samples collected during 35 days (out of a total of 68 samples in
28 45 days) from the receiving water at MCSP4/Downstream analyzed

1 between February 4, 2019 and January 6, 2021 (69%) exceeded the
 2 STV or geomean WQO for *E. coli*. On 19 of these 35 days of
 3 exceedances in Mule Creek, the Facility discharged *E. coli*
 4 (exceeding the WQOs) at MCSP2 and MCSP3 on the same date as the
 5 exceedance in the receiving water (54%).

7 **PAST VIOLATIONS OF SMALL MS4 PERMIT - METALS**

9 **13. Water Quality Objectives - Metals.**

10 A. Section 4.2.1.1.8 of the Basin Plan provides that
 11 "except under specifically defined exceptions, all surface and
 12 ground waters of the state are to be protected as existing or
 13 potential sources of municipal and domestic supply." Section
 14 3.1.3 includes the following numeric water quality objectives for
 15 chemical constituents, including but not limited to aluminum,
 16 iron, and manganese, which require waters for use as domestic or
 17 municipal supply (MUN) to meet the maximum contaminant limits
 18 (MCLs) specified in Title 22 of the California Code of
 19 Regulations ("CCR"). Section 64449, Table 64449-A of Title 22 of
 20 the CCR establishes the following limits for domestic or
 21 municipal supply:

23 Constituent	MCLs / Units
24 Aluminum	200 µg/L
25 Iron	300 µg/L
Manganese	50 µg/L

26 B. Sections 4.1.8 and 4.2.1.1.15 of the Basin Plan
 27 includes the California Toxics Rule (CTR) at 40 C.F.R. § 131.38 as
 28 criteria for constituents, including but not limited to copper,

lead, and zinc for surface waters with a "municipal" beneficial use designation as follows:

Constituent	CTR Criteria / Units
Copper	9 µg/L dissolved (Chronic)
Lead	2.5 µg/L dissolved (Chronic) 3.2 µg/L total (Chronic)
Zinc	117 ug/L dissolved (Acute) 120 µg/L total (Acute)

14. **Twenty-Five (25) Past Violations of Small MS4 Permit's Discharge Prohibition - Metals.** As shown in attached Table 5, the laboratory analytical reports of samples Defendants took from MCSP2 and MCSP3 between the dates of February 4, 2019 and January 6, 2021 demonstrate that discharges from the Facility's outfalls at MCSP2 and/or MCSP3 exceeded the WQOs for various metals on 25 occasions.

15. **Fourteen (14) Past Violations of Small MS4 Permit's Receiving Water Limitations - Metals.** As shown in attached Table 6, laboratory analytical reports of samples Defendants took from MCSP2, MCSP3, and MCSP4/Downstream between the dates of February 4, 2019 and January 6, 2021 demonstrate fourteen samples of the receiving water at MCSP4/Downstream analyzed during this time period exceeded WQOs for aluminum, iron, lead, and zinc on the same days on which the Facility discharged these same metals from discharge points MCSP2 and MCSP3.

ONGOING VIOLATIONS

16. **Ongoing Discharges from Facility to Mule Creek.**

A. As set forth in attached Table 7, Defendants'

1 Quarterly Monitoring Reports indicate the Facility discharged
2 more than 30 million gallons to Mule Creek during 12 discharge
3 events occurring over more than 60 days between January 2021 and
4 March 2022.

5 B. In August 2020, the Regional Water Board issued a
6 Water Code Section 13383 Order to the Facility to monitor
7 discharges to surface water. The August 2020 Order required,
8 among other things, the Facility to monitor MCSP2 (Outfall-1) and
9 MCSP3 (Outfall-2) as well as MCSP4 for a number of parameters
10 including E.coli (in CFU/100 ml) and metals.

11 C. In December 2020, the Regional Water Board issued
12 a revised 13383 Order to clarify that monitoring was to be
13 conducted when there is any discharge from the Facility's MS4.
14 The December 2020 Order modified the monitoring locations, which
15 required, among other things, the Facility to monitor MCSP5
16 (Outfall-1) and MCSP6 (Outfall-2) as well as MCSP4 for a number
17 of parameters including E.coli (in CFU/100 ml) and metals.

18 D. In November 2021, the Regional Water Board issued
19 another 13383 Order to monitor discharges to surface water. The
20 November 2021 Order required, among other things, the Facility to
21 monitor MCSP5 (Outfall-1), MCSP6 (Outfall-2), MCSP2 (Outfall-3),
22 and MCSP3 (Outfall-4) as well as MCSP4 for a number of parameters
23 including E.coli (in CFU/100 ml) and metals. Although the August
24 2020 Order and November 2021 Order required Defendants to monitor
25 discharges from MCSP2 and MCSP3, Defendants' laboratory
26 analytical results do not contain data for samples taken from
27 these locations after issuance of the November 2021 Order.

28 E. Each of the 13383 Orders provides that "[s]amples

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1 . . . taken as required herein shall be representative of the
2 volume and nature of the monitored discharge."

3
4 **ONGOING VIOLATIONS OF SMALL MS4 PERMIT'S**
5 **DISCHARGE PROHIBITIONS AND RECEIVING WATER**
6 **LIMITATIONS PROVISIONS - *E. COLI***
7

8 17. **Nine (9) Ongoing Violations of Small MS4 Permit's *E.***
9 ***coli* Discharge Prohibition - STV.** As shown in attached Table 8,
10 the laboratory analytical results reported discharges from the
11 Facility to Mule Creek in excess of the STV WQO for *E. coli* in
12 four (4) samples from MCSP5 and five (5) samples from MCSP6
13 between January 7, 2021 and March 28, 2022. Defendants' 13383
14 Orders required *E. coli* to be reported as a numeric value;
15 however *E. coli* was only reported as "Present" by the laboratory
16 in an additional five samples collected from each of these
17 locations, thus no numeric result was provided. These results
18 show that *E. coli* was present in 100% of samples taken at MCSP5
19 and MCSP6 (10/10) and that least 40% of samples taken from MCSP5
20 (4/10) and 50% of samples taken from MCSP6 (5/10) exceeded the
21 STV WQO for *E. coli* during this period.

22 18. **Ongoing Violation of Small MS4 Permit's *E. coli***
23 **Discharge Prohibition - Geomean.** Ongoing violations of the
24 geomean limit could not be calculated because there were fewer
25 than five samples within each six-week period. There is
26 discretion regarding the number of *E. coli* results to be included
27 within each 6-week period, however, five samples of *E. coli* is
28 justified because it results in a more robust geomean.

1 19. **Five (5) Ongoing Violations of Small MS4 Permit's**
2 **Receiving Water Limitations - *E. coli*.** As shown in attached Table
3 9, five (5) samples collected from the receiving water at
4 MCSP4/Downstream analyzed between January 7, 2021 and March 28,
5 2022 exceeded the STV WQO for *E. coli*. On all five days of
6 exceedances in Mule Creek, the Facility discharged *E. coli* at
7 MCSP5 and MCSP6 on the same date as the exceedance in the
8 receiving water (100%). In addition, *E. coli* was reported as
9 "Present" in receiving water during an additional six days, and
10 "Present" in Facility discharge during five of those six days (*E.*
11 *coli* was not sampled in Facility discharge during the sixth day).
12

13 **ONGOING VIOLATIONS OF SMALL MS4 PERMIT - METALS**
14

15 20. **Seventy-seven (77) Ongoing Violations of Small MS4**
16 **Permit's Discharge Prohibition - Metals.** As shown in attached
17 Table 10, the laboratory analytical reports of samples Defendants
18 took from MCSP5 and MCSP6 between the dates of January 7, 2021
19 and March 28, 2022 demonstrate that discharges from the
20 Facility's outfalls at MCSP5 and MCSP6 exceeded WQOs for various
21 metals on seventy-seven occasions.
22

23 21. **Twenty-Nine (29) Ongoing Violations of Small MS4**
24 **Permit's Receiving Water Limitations - Metals.** As shown in
25 attached Table 11, laboratory analytical reports of samples
26 Defendants took from MCSP5, MCSP6, and MCSP4/Downstream between
27 the dates of January 7, 2021 and March 28, 2022 demonstrate that
28 receiving water at MCSP4/Downstream analyzed during this time
period exceeded WQS for various metals twenty-nine times on the

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1 same days that the Facility discharged these same metals from
2 discharge points MCSP5 and MCSP6.

3
4 **MARCH 9, 2022 SITE INSPECTION**

5
6 22. On March 9, 2022, I inspected portions of the Facility
7 ("Site Inspection"), took photographs and notes, and, through a
8 field technician, obtained three aqueous samples from within the
9 Facility's storm drain system.

10 23. In preparation for the Site Inspection, I reviewed the
11 precipitation history for the area, however there is not a rain
12 gauge that is within the City limits. The closest one is Sutter
13 Hill CDF (~10 miles), which indicated that the last measurable
14 rain was recorded on March 1, 2022. On the day of the Site
15 Inspection, it was sunny, was not raining, and had not rained for
16 approximately 8 days. I also reviewed the stormwater system,
17 including but not limited to subsurface pipelines, drop inlets,
18 culverts, and outfalls, depicted in the Stormwater Report.

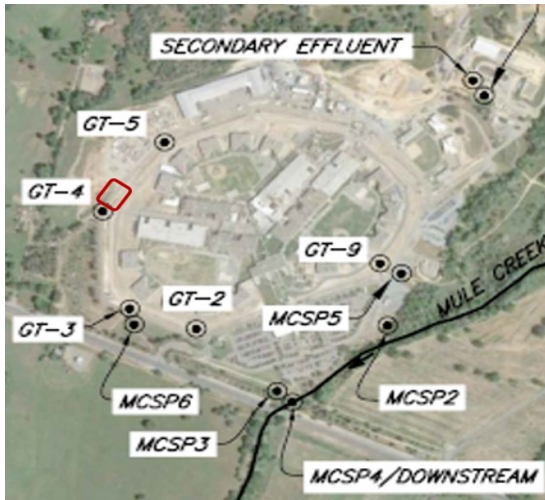
19
20 **ONGOING VIOLATION - STANDING WATER IN STORM DRAINS**

21
22 24. I saw standing water at the following locations within
23 the exterior perimeter storm drain.

24 A. At the drop inlet upstream (U/S) of Guard Tower 4
25 ("GT-4") (see red square on Figure 1), I observed standing water
26 in the catch basin (IMG-2820).

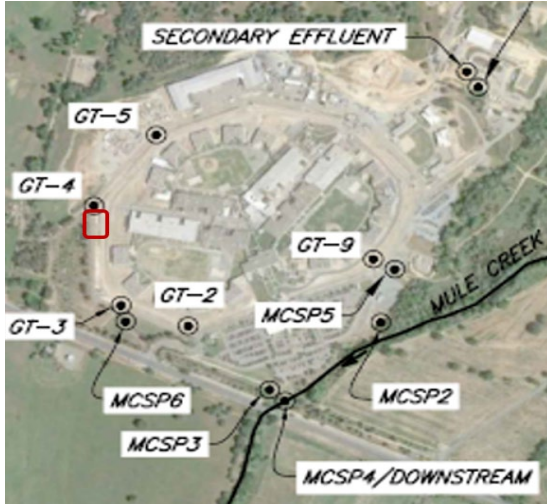
Figure 1 IMG-2820 Location

IMG-2820. Drop Inlet U/S GT-4



B. At the drop inlet downstream (D/S) GT-4 (see red square on Figure 2), I observed water actively flowing through subsurface pipelines, apparently from within the Facility, under the lethal fence, and into the catch basin located at GT-4. (IMG-2797). The County's field technician took a sample of the flowing water from the subsurface pipeline into the catch basin. I reviewed the analytical laboratory results of Plaintiffs' Lab Samples which confirmed the presence of *E. coli*, total and fecal coliform, and pharmaceutical products.

Figure 2 IMG-2797 Location

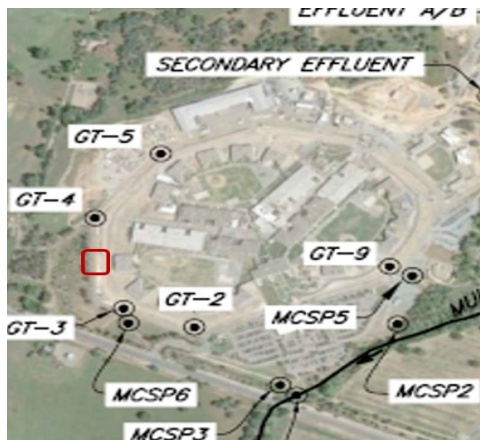


IMG-2797. Drop Inlet D/S GT-4



C. Every drop inlet between GT-4 and Guard Tower 3 ("GT-3") had visible standing or flowing water present as shown in IMG-2773, 2771, and 2767. The location of each image is indicated by the red squares on Figures 3 to 5 below.

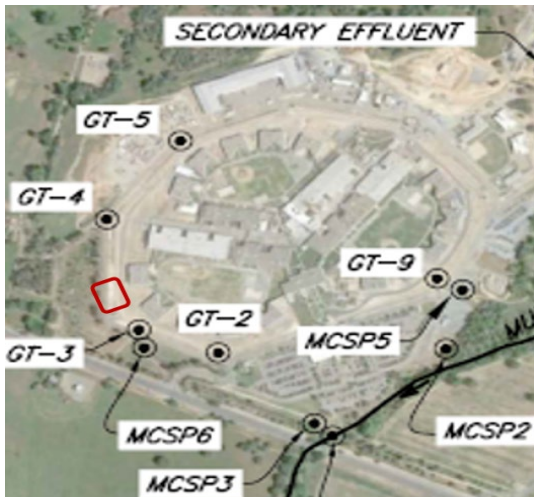
Figure 3 IMG-2773 Location



IMG-2773. Drop Inlet D/S GT-4, by Building 5



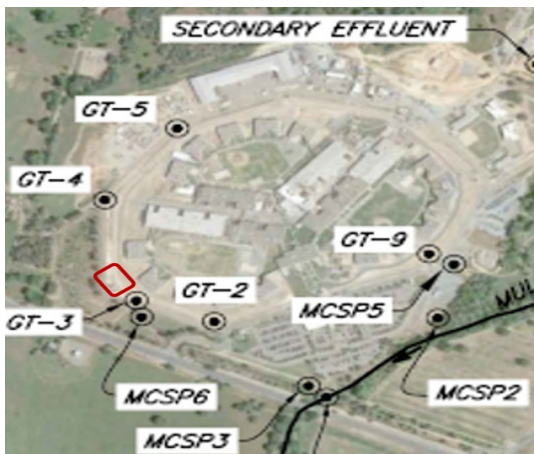
Figure 4 IMG-2771 Location



IMG-2771 - D/S GT-4, Between Bldg 4 and 5



Figure 5 IMG-2767 Location



IMG-2767 - By Building 4



D. At the junction vault D/S GT-3 (see red rectangle on Figure 6 below), I observed water present within the junction vault and subsurface corrugated pipelines that carry flows through the Facility's storm drain system from the direction of GT-4 to the junction vault (IMG-2758). The County's field technician took a sample of the water within the junction vault. I reviewed Plaintiffs' Lab Samples results which confirmed the presence of *E. coli*, total and fecal coliform, and

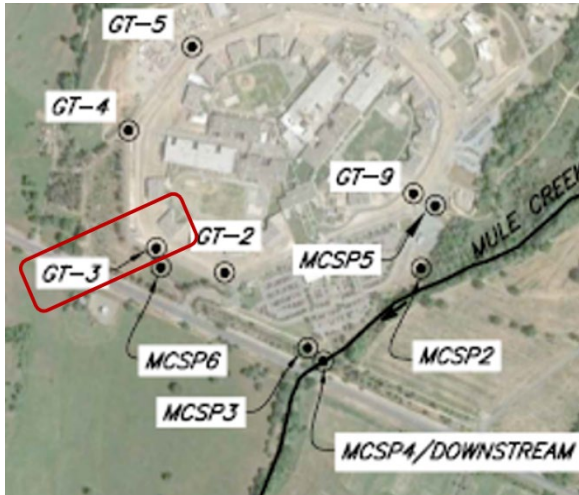
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pharmaceutical products.

Figure 6 IMG-2758 Location

IMG-2758 - Guard Tower 3

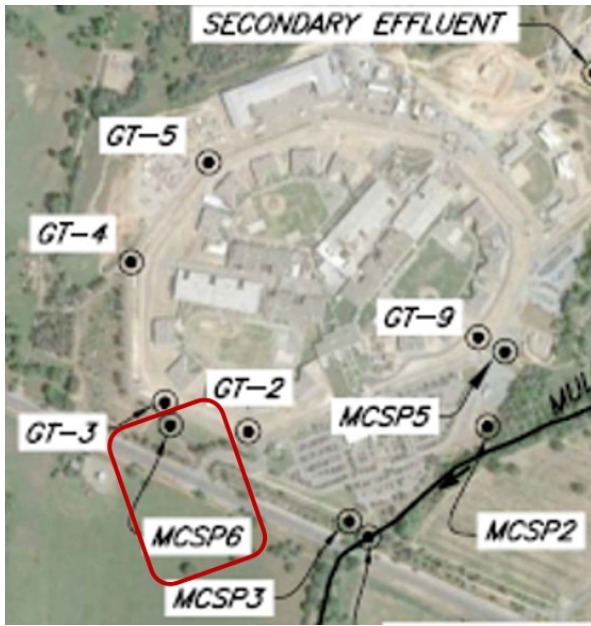
Junction Vault



E. As set forth in the Stormwater Report, flows leave the junction vault at GT-3, flow through a culvert under a perimeter road, and outfall to an earthen channel. The outfall to the earthen channel is labeled MCSP6 on Figure 6. Flows from the earthen channel enter Mule Creek at the location labeled MCSP3. (See red rectangle on Figure 7 below) I inspected the outfall at MCSP6 and found standing water in the earthen channel at the point of outfall. I also observed evidence of a recent flows through the storm drain system outfall at MCSP 6 to the earthen channel. (IMG-2738, IMG-2741).

Figure 7 IMG-2738 Location

IMG-2738 - MCSP6 Outfall



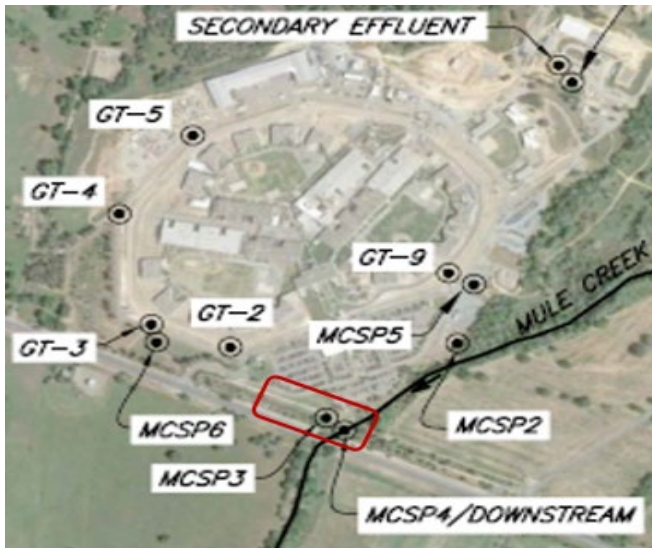
IMG-2741 - Earthen Channel From
MCSP6 to MCSP3



F. As shown in red rectangle on Figure 8 and IMG-2745, IMG-2778, and IMG-2827, I followed the earthen channel from MCSP6 to MCSP3 and observed standing water within and evidence and recent flows through large portions of the length of the channel. At the point labeled MCSP3, I observed water inside the pipelines that outfall to Mule Creek (IMG-2778).

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Figure 8 Location of IMG-2745,
IMG-2778, IMG-2827



IMG-2745 - Water Within
Earthen Swale Between MCSP 6
and MCSP3



IMG-2778 - MCSP3



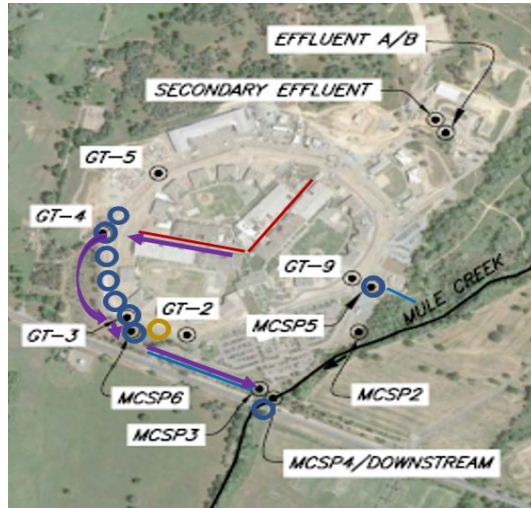
IMG-2827 - Earthen Channel
U/S MCSP3



G. Based on these observations and the diagram of the flows within the Facility's storm drain system, the water within the junction vault at GT-3, which drained through MCSP6 and into the earthen channel, Appeared to follow the route shown in purple on Figure 9 below.

Figure 9. Observed Flows March 9, 2022

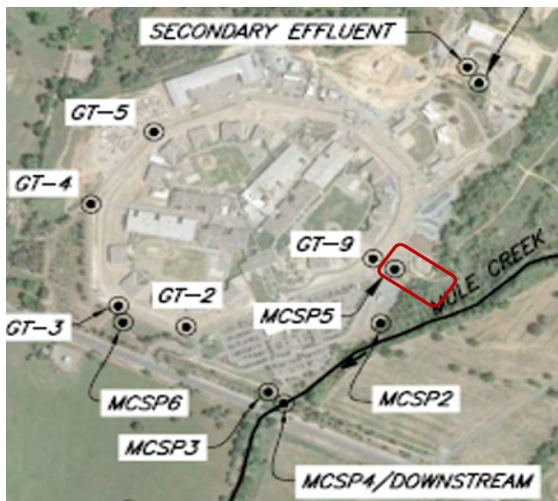
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H. At MCSP5, I observed water in the junction vault as shown red rectangle in Figure 10 and IMG-2853. I followed the path of the storm drain system across the street to the location where MCSP5 outfalls to an earthen channel. As shown in IMG-2861 and IMG-2865, there was evidence of flows recently leaving the MCSP5 outfall and there was standing water in the earthen channel that drains into Mule Creek.

Figure 10 Location IMG-2861

IMG-2853 - Junction Vault at MCSP5



1 IMG-2861 - MCSP5 Outfall

2 IMG-2865 - Earthen Channel
3 Between MCSP5 and Mule Creek

13 25. In summary, I observed evidence of flows within and
14 discharges from the Facility's storm drain system occurring in
15 dry weather. Flows appeared to originate within the Facility's
16 lethal fence, through the portion of the system that collects and
17 conveys flows from the central AB corridor, through the
18 subsurface drainage system along the perimeter road, through the
19 junction vault at MCSP6, through the earthen channel, and out of
20 MCSP3 to Mule Creek. There was also evidence of recent dry
21 weather discharges from MCSP5 to the earthen channel that flows
22 to Mule Creek.

23 **ONGOING VIOLATIONS - INDUSTRIAL GENERAL PERMIT**

24
25
26 26. I next entered the Facility and walked through the
27 central "BC" corridor and then through central "AB" corridor. The
28 pathway is depicted by the red rectangle on Figure 11.

NEC Report Figure 3. Industrial Sewing Area within Location



IMG-2884 - Outside Sewing
Loading Dock

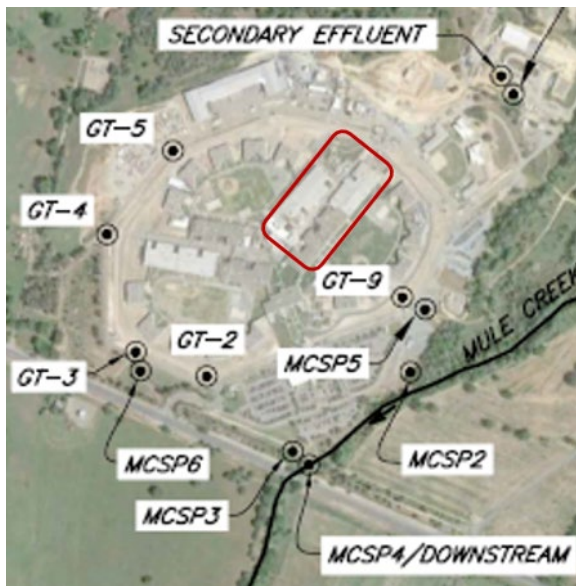


B. As shown in Figure 12 and NEC Report Figure 3 and IMG-2877 and IMG-2876, a chemical storage container outside the

1 industrial meat packing area was leaking onto the ground in an
 2 area exposed to precipitation. According to the NEC Report, page
 3 7, figure 3, legend note 3, the chemicals stored in this area
 4 include "Hazmat 'igloos' containing food grade mineral oil for
 5 equipment lubrication." In addition, cardboard containers were
 6 stored at the edge of the covered loading dock area outside the
 7 meat packing area, in a location exposed to precipitation.

8
 9 Figure 12 Industrial Area

NEC Report Figure 3 Industrial
 Meat Processing Location



19
 20 IMG-2877 - Leaking Industrial
 Material Storage

IMG-2876 - Cardboard Container
 Storage

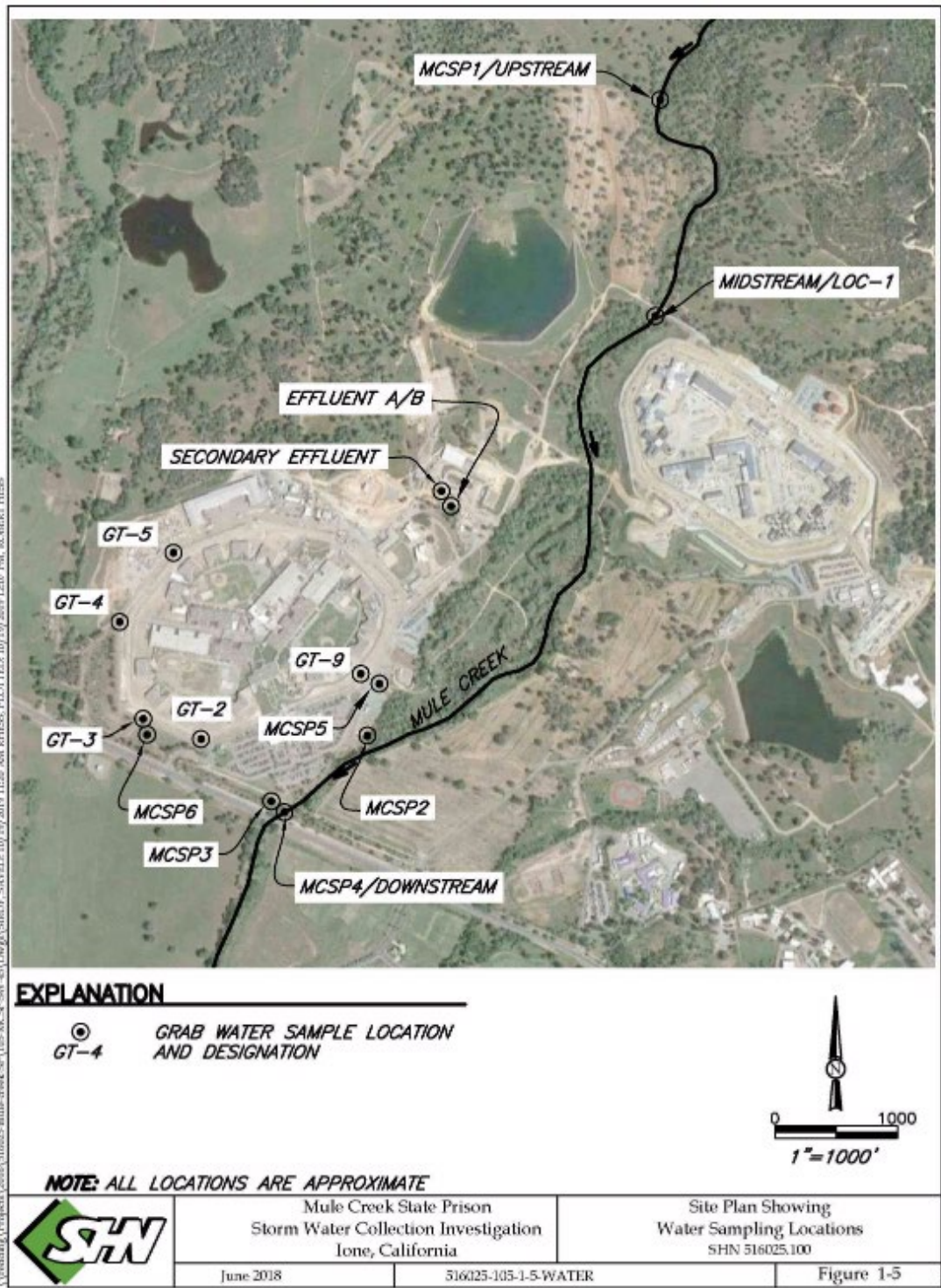


I declare under penalty of perjury that the foregoing is true and correct.

KAREN ASHBY

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Figure 1-5



MCSP0004089

**Table 2. Forty (40) Past Violations of Small MS4 Permit's
E. coli Discharge Prohibition - STV**

Sample Date	WQO	MCSP2 Result, MPN/100mL		MCSP3 Result, MPN/100mL	
		Measurement	Exceeds	Measurement	Exceeds
4/8/2019	320	920.8	Yes	-	-
	STV	842	Yes		
5/16/2019	320	22,820	Yes	34,480	Yes
	STV	15,150	Yes	34,480	Yes
5/20/2019	320	4,430	Yes	1,413.6	Yes
	STV				
9/16/2019	320	-	-	27,230	Yes
	STV				
12/11/2019	320	-	-	448	Yes
	STV				
12/23/2019	320	2,613	Yes	2,254	Yes
	STV				
1/9/2020	320	-	-	1,986.3	Yes
	STV				
1/16/2020	320	703	Yes	-	-
	STV				
1/17/2020	320	1,723	Yes	520	Yes
	STV				
1/27/2020	320	1,565	Yes	309	No
	STV				
3/16/2020	320	565	Yes	691	Yes
	STV	920.8	Yes	920.8	Yes
3/17/2020	320	1,935	Yes	414	Yes
	STV	-	-	325.5	Yes
3/25/2020	320	960	Yes	512	Yes
	STV				
3/26/2020	320	788	Yes	42	No
	STV			10	No
4/6/2020	320	1,722	Yes	1,334	Yes
	STV				
4/7/2020	320	512	Yes	1,187	Yes
	STV			1,046.2	Yes
4/20/2020	320	-	-	450	Yes
	STV				
5/18/2020	320	34,410	Yes	24,196	Yes
	STV			12,230	Yes

Sample Date	WQO	MCSP2 Result, MPN/100mL		MCSP3 Result, MPN/100mL	
		Measurement	Exceeds	Measurement	Exceeds
5/19/2020	320 STV	24,196	Yes	21,870	Yes
				12,033	Yes
5/28/2020	320 STV	-	-	6,867	Yes
12/17/2020	320 STV	Absent	No	Absent	No

Table 3. One (1) Additional Violation of Small MS4 Permit's *E. coli* Discharge Prohibition - Geomean (GM)

Sample Date	WQO	MCSP2 Result, MPN/100mL		MCSP3 Result, MPN/100mL	
		Geomean	Exceeds ¹	Geomean	Exceeds ¹
4/8/2019	100 GM	881	UD	34,480	UD
5/16/2019	100 GM	4,046	UD	11,889	UD
5/20/2019	100 GM	11,527	UD	27,230	UD
12/23/2019	100 GM	2,613	UD	448	UD
1/9/2020	100 GM	-	-	1,005	UD
1/16/2020	100 GM	1,355	UD	1,261	UD
1/17/2020	100 GM	1,468	UD	1,011	UD
1/27/2020	100 GM	1,492	UD	921	UD
3/16/2020	100 GM	721	UD	798	UD
3/17/2020	100 GM	1,002	UD	541	UD
3/25/2020	100 GM	991	UD	535	Yes
3/26/2020	100 GM	947	Yes	211	Yes
4/6/2020	100 GM	1,046	Yes	265	Yes
4/7/2020	100 GM	945	Yes	354	Yes
4/20/2020	100 GM	-	-	361	Yes
5/18/2020	100 GM	4,197	UD	2,778	Yes
5/19/2020	100 GM	28,855	UD	8,108	Yes
5/28/2020	100 GM	-	-	7,887	Yes
12/17/2020	100 GM	Absent	UD	Absent	UD

**Table 4. Nineteen (19) Past Violations of Small MS4 Permit's
Receiving Water Limitations - *E. coli***

Sample Date	MCSP4/ Downstream Exceedance, MPN/100mL	WQO	MCSP2 Result, MPN/100mL	MCSP3 Result, MPN/100mL
			Measurement	Measurement
2/10/2019	3,550	320 STV	-	-
2/13/2019	770.1	320 STV	-	-
2/26/2019	365.4	320 STV	-	-
5/9/2019	119	100	-	-
	101.2	GM		
5/16/2019	2,489	320 STV	22,820	34,480
	2,098	320 STV	15,150	34,480
5/20/2019	201	100	4,430	1,413.6
	122	GM		
6/12/2019	435.2	320 STV	-	-
	10	-		
6/26/2019	2,187	320 STV	-	-
7/10/2019	3,255	320 STV	-	-
	1,986.3	320 STV		
9/11/2019	920.8	320 STV	-	-
9/16/2019	32,550	320 STV	-	27,230
11/27/2019	5,290	320 STV	-	-
12/11/2019	980.4	320 STV	-	448
	388	320 STV		
12/23/2019	2,755	320 STV	2,613	2,254
	1,553.1	320 STV		

Sample Date	MCSP4/ Downstream Exceedance, MPN/100mL	WQO	MCSP2 Result, MPN/100mL Measurement	MCSP3 Result, MPN/100mL Measurement
1/9/2020	1,413.6	320 STV	-	1,986.3
1/16/2020	3,873 88.8	320 STV -	703	-
1/17/2020	537	320 STV	1,723	520
1/27/2020	132	100 GM	1,565	309
3/16/2020	2,812 2,720	320 STV 320 STV	920.8 565	920.8 691
3/17/2020	10,462 3,890	320 STV 320 STV	1,935	414 325.5
3/25/2020	1,565 135.4	320 STV 100 GM	960	512
3/26/2020	34.1 20	100 GM	788	42 10
4/6/2020	11,199 5,040	320 STV 320 STV	1,722	1,334
4/7/2020	2,481 2,419.6	320 STV 320 STV	512	1,187 1,046.2
4/8/2020	648.8	320 STV	-	-
4/20/2020	110	100 GM	-	450
4/23/2020	187	100 GM	-	-
4/27/2020	262	100 GM	-	-
4/30/2020	213	100 GM	-	-

Sample Date	MCSP4/ Downstream Exceedance, MPN/100mL	WQO	MCSP2 Result, MPN/100mL	MCSP3 Result, MPN/100mL
			Measurement	Measurement
5/5/2020	85	100 GM	-	-
5/12/2020	410.6	100 GM	-	-
	86			-
5/13/2020	648.8	320 STV	-	-
	189	100 GM		-
5/18/2020	26,130	320 STV	34,410	24,196
	12,460	320 STV		12,230
5/19/2020	15,290	320 STV	24,196	21,870
	3,441	320 STV		12,033
5/28/2020	1,860	320 STV	-	6,867
12/17/2020	Absent	320 STV	Absent	Absent

Table 5. Twenty-five(25) Past Violations of Small MS4 Permit's Discharge Prohibition - Metals

Sample Date	MCSP2 Result	WQO Exceeded	MCSP3 Result	WQO Exceeded
Aluminum, Total, µg/L (WQO 200)				
5/16/2019	1,700	Yes	1,900	Yes
9/16/2019	-	-	3,400	Yes
1/9/2020	-	-	2,100	Yes
3/16/2020	2,200	Yes	2,500	Yes
5/18/2020	-	-	3,200	Yes
12/17/2020	2,380	Yes	1,810	Yes
Iron, Total, µg/L (WQO 300)				
5/16/2019	4,500	Yes	4,000	Yes
9/16/2019	-	-	9,000	Yes
1/9/2020	-	-	3,900	Yes
3/16/2020	2,600	Yes	1,100	Yes
5/18/2020	-	-	7,700	Yes
12/17/2020	7,170	Yes	3,490	Yes
Lead, Total, µg/L (WQO 3.2)				
12/17/2020	21.4	Yes	9.6	Yes
Zinc, Total, µg/L (WQO 120)				
5/16/2019	73	No	270	Yes
9/16/2019	-	-	340	Yes
1/9/2020	-	-	160	Yes
5/18/2020	-	-	120	Yes
12/17/2020	83.7	No	177	Yes

**Table 6. Fourteen (14) Past Violations of Small MS4
Permit's Receiving Water Limitations - Metals**

Sample Date	MCSP4/ Downstream Exceedance	WQO Exceeded	MCSP2 Result	MCSP3 Result
Aluminum, Total, µg/L (WQO 200)				
9/16/2019	5,700	Yes	-	3,400
1/9/2020	1,200	Yes	-	2,100
3/16/2020	1,900	Yes	2,200	2,500
5/18/2020	1,400	Yes	-	3,200
12/17/2020	2,960	Yes	2,380	1,810
Iron, Total, µg/L (WQO 300)				
5/16/2019	540	Yes	4,500	4,000
9/16/2019	15,000	Yes	-	9,000
1/9/2020	2,100	Yes	-	3,900
3/16/2020	2,400	Yes	2,600	1,100
5/18/2020	3,600	Yes	-	7,700
12/17/2020	4,290	Yes	7,170	3,490
Lead, Total, µg/L (WQO 3.2)				
12/17/2020	11.5	Yes	21.4	9.6
Zinc, Total, µg/L (WQO 120)				
9/16/2019	410	Yes	-	340
12/17/2020	157	Yes	-	177

Table 7. Ten (10) Ongoing Discharge Events from Facility

Event No.	Date(s) of discharge to Mule Creek	Volume of Discharge (gallons)
1.	January 4 - 5, 2021	238,488
2.	January 22 - February 3, 2021	11,126,134
3.	February 11 - 16, 2021	1,305,260
4.	March 5 - 6, 2021	43,887
5.	March 9 - 11, 2021	282,342
6.	March 14 - 16, 2021	393,840
7.	March 18 - 19, 2021	1,227,103
8.	October 20- 27, 2021	8,003,962
9.	November 8 - 10, 2021	209,712
10.	December 9 - 31, 2021	7,321,854
11.	March 15 - 21, 2022	148,334
12.	March 27 - 29, 2022	168,699

**Table 8. Nine (9) Ongoing Violations of Small MS4 Permit's
E. coli Discharge Prohibition - STV**

Sample Date	WQO	MCSP5 Result , MPN/100mL		MCSP6 Result , MPN/100mL	
		Measurement	Exceeds ¹	Measurement	Exceeds ¹
1/27/2021	320 STV	Present	P	Present	P
2/2/2021	320 STV	Present	P	Present	P
3/10/2021	320 STV	Present	P	Present	P
3/15/2021	320 STV	Present	P	Present	P
3/19/2021	320 STV	Present	P	Present	P
10/22/2021	320 STV	2419.6	Yes	2419.6	Yes
11/9/2021	320 STV	1732.9	Yes	2419.6	Yes
12/9/2021	320 STV	2419.6	Yes	2419.6	Yes
3/15/2022	320 STV	214.2	No	2419.6	Yes
3/28/2022	320 STV	547.5	Yes	2419.6	Yes

¹ Yes = Exceedance; No = No exceedance; P = The laboratory reported the presence of E. coli in the sample, but did not provide a numeric value, therefore an exceedance cannot be determined.

**Table 9. Five (5) Ongoing Violations of Small MS4 Permit's
Receiving Water Limitations - *E. coli* STV**

Sample Date	MCSP4/ Downstream Exceedance, MPN/100mL	WQO	MCSP5 Result, MPN/100mL	MCSP6 Result, MPN/100mL
			Measurement	Measurement
1/27/2021	Present	320 STV	Present	Present
2/2/2021	Present	320 STV	Present	Present
2/12/2021	Present	320 STV	-	-
3/10/2021	Present	320 STV	Present	Present
3/15/2021	Present	320 STV	Present	Present
3/19/2021	Present	320 STV	Present	Present
10/22/2021	2,419.6	320 STV	2419.6	2419.6
11/9/2021	1,732.9	320 STV	1732.9	2419.6
12/9/2021	2,419.6	320 STV	2419.6	2419.6
3/15/2022	2419.6	320 STV	214.2	2419.6
3/28/2022	2419.6	320 STV	547.5	2419.6

**Table 10. Seventy-seven (77) Ongoing Discharge Violations-
Metals**

Sample Date	MCSP5 Result	WQO Exceeded (Yes)	MCSP6 Result	WQO Exceeded (Yes)
Aluminum, Total, µg/L (WQO 200)				
1/27/2021	3,620	Yes	4,100	Yes
2/2/2021	10,600	Yes	8,170	Yes
3/10/2021	3,230	Yes	1,590	Yes
3/15/2021	8,120	Yes	11,800	Yes
3/19/2021	3,780	Yes	3,330	Yes
10/22/2021	11,000	Yes	9,800	Yes
11/9/2021	4,400	Yes	3,000	Yes
12/9/2021	7,700	Yes	27,000	Yes
3/15/2022	3,800	Yes	4,500	Yes
3/28/2022	1,300	Yes	1,600	Yes
Iron, Total, µg/L (WQO 300)				
1/27/2021	4,760	Yes	5,600	Yes
2/2/2021	5,490	Yes	5,290	Yes
3/10/2021	1,430	Yes	880	Yes
3/15/2021	3,950	Yes	7,660	Yes
3/19/2021	2,060	Yes	2,090	Yes
10/22/2021	8,600	Yes	9,700	Yes
11/9/2021	3,400	Yes	2,300	Yes
12/9/2021	5,200	Yes	32,000	Yes
3/15/2022	2,000	Yes	2,800	Yes
3/28/2022	770	Yes	970	Yes
Manganese, Total, µg/L (WQO 50)				
1/27/2021	43.1	No	109	Yes
2/2/2021	54	Yes	78	Yes
3/10/2021	16.6	No	23.8	No
3/15/2021	53	Yes	106	Yes
3/19/2021	21.5	No	39.9	No
10/22/2021	97	Yes	190	Yes
11/9/2021	59	Yes	58	Yes
12/9/2021	87	Yes	520	Yes
3/15/2022	54	Yes	110	Yes
3/28/2022	<6	-	54	Yes

Sample Date	MCSP5 Result	WQO Exceeded (Yes)	MCSP6 Result	WQO Exceeded (Yes)
Copper, Dissolved, µg/L (WQO 9)				
1/27/2021	13.1	Yes	16.3	Yes
2/2/2021	6.4	No	6	No
3/10/2021	7.1	No	8.6	No
3/15/2021	8	No	8.9	No
3/19/2021	8.5	No	12.9	Yes
10/22/2021	22	Yes	29	Yes
11/9/2021	<20	-	<20	-
12/9/2021	<20	-	<20	-
3/15/2022	<14	-	<14	-
3/28/2022	<14	-	<14	-
Lead, Dissolved, µg/L (WQO 2.5)				
1/27/2021	6.9	Yes	6.3	Yes
2/2/2021	<5	-	<5	-
3/10/2021	<5	-	<5	-
3/15/2021	<5	-	<5	-
3/19/2021	44.5	Yes	44.5	Yes
10/22/2021	<50	-	<50	-
11/9/2021	<50	-	<50	-
12/9/2021	<50	-	<50	-
3/15/2022	<7	-	<7	-
3/28/2022	<7	-	<7	-
Zinc, Dissolved, µg/L (WQO 117)				
1/27/2021	103	No	669	Yes
2/2/2021	176	Yes	169	Yes
3/10/2021	131	Yes	363	Yes
3/15/2021	224	Yes	317	Yes
3/19/2021	182	Yes	334	Yes
10/22/2021	14	No	290	Yes
11/9/2021	77	No	140	Yes
12/9/2021	67	No	160	Yes
3/15/2022	90	No	390	Yes
3/28/2022	110	No	320	Yes

Table 11. Twenty-nine (29) Ongoing Violations of Small MS4 Permit's Receiving Water Limitations - Metals

Sample Date	MCSP4/ Downstream	WQO Exceeded	MCSP5	MCSP6
Aluminum, Total, µg/L (WQO 200)				
1/27/2021	3,060	Yes	3,620	4,100
2/2/2021	5,460	Yes	10,600	8,170
2/12/2021	1,440	Yes	-	-
3/10/2021	300	Yes	3,230	1,590
3/15/2021	3,740	Yes	8,120	11,800
3/19/2021	1,010	Yes	3,780	3,300
10/22/2021	8,300	Yes	11,000	9,800
11/9/2021	1,200	Yes	4,400	3,000
12/9/2021	20,000	Yes	7,700	27,000
3/15/2022	2,000	Yes	3,800	4,500
3/28/2022	430	Yes	1,300	1,600
Iron, Total, µg/L (WQO 300)				
1/27/2021	3,500	Yes	4,760	5,600
2/2/2021	3,380	Yes	5,490	5,290
2/12/2021	1,090	Yes	-	-
3/10/2021	272	No	1,430	880
3/15/2021	2,260	Yes	3,950	7,660
3/19/2021	725	Yes	2,060	2,090
10/22/2021	7,200	Yes	8,600	9,700
11/9/2021	1,100	Yes	3,400	2,300
12/9/2021	23,000	Yes	5,200	32,000
3/15/2022	1,300	Yes	2,000	2,800
3/28/2022	540	Yes	770	970
Manganese, Total, µg/L (WQO 50)				
1/27/2021	42.1	No	43.1	109
2/2/2021	48.2	No	54	78
2/12/2021	16.7	No	-	-
3/10/2021	13.1	No	16.6	23.8
3/15/2021	44.5	No	53	106
3/19/2021	15.6	No	21.5	39.9
10/22/2021	250	Yes	97	190
11/9/2021	64	Yes	59	58
12/9/2021	330	Yes	87	520

Sample Date	MCSP4/ Downstream	WQO Exceeded	MCSP5	MCSP6
3/15/2022	43	No	54	110
3/28/2022	<6	No	<6	54
Copper, Dissolved, µg/L (WQO 9)				
1/27/2021	8.7	No	13.1	16.3
2/2/2021	5	No	6.4	6.0
2/12/2021	<5	No	—	—
3/10/2021	<5	No	7.1	8.6
3/15/2021	5.4	No	8.0	8.9
3/19/2021	<5	No	8.5	12.9
10/22/2021	26	Yes	22	29
11/9/2021	<20	*	<20	<20
12/9/2021	<20	*	<20	<20
3/15/2022	<14	*	<14	<14
3/28/2022	<14	*	<14	<14
Lead, Dissolved, µg/L (WQO 2.5)				
1/27/2021	<5.0	*	6.9	6.3
2/2/2021	<5.0	*	<5	<5
2/12/2021	<5.0	*	—	—
3/10/2021	<5.0	*	<5	<5
3/15/2021	<5.0	*	<5	<5
3/19/2021	6.7	Yes	44.5	15.8
10/22/2021	<50	*	<50	<50
11/9/2021	<50	*	<50	<50
12/9/2021	<50	*	<50	<50
3/15/2022	<7	*	<7	<7
3/28/2022	<7	*	<7	<7
Zinc, Dissolved, µg/L (WQO 117)				
1/27/2021	186	Yes	103	669
2/2/2021	125	Yes	176	169
2/12/2021	50.1	No	—	—
3/10/2021	176	Yes	131	363
3/15/2021	191	Yes	224	317
3/19/2021	104	No	182	334
10/22/2021	250	Yes	14	290
11/9/2021	<20	No	77	140
12/9/2021	57	No	67	160
3/15/2022	58	No	90	390
3/28/2022	<8	No	110	320

* WQOs for dissolved lead and dissolved copper are 2.5 and 9
83653.00001\40086063.3

1 µg/L, respectively, but Defendants' laboratory used a test
2 method with reporting limits of 5.0 and 20 µg/L,
3 respectively, which are higher than the WQOs. Therefore,
4 compliance with the WQOs cannot be determined from these
5 results.
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